

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SUSAN FLANDER, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-12-0713
§
KFORCE, INC., *et al.*, §
§
Defendants. §

ORDER

The plaintiff has applied to proceed without prepaying fees or costs. (Docket Entry No. 5, 6). The motion is granted.

The plaintiff has also moved for appointment of counsel. (Docket Entry No. 6). To appoint counsel under Title VII, this court must examine three factors: (1) the merits of the plaintiff's claims of discrimination; (2) the efforts taken by the plaintiff to obtain counsel; and (3) the plaintiff's financial ability to retain counsel. *Gonzalez v. Carlin*, 907 F.2d 573, 580 (5th Cir. 1990); *Caston v. Sears, Roebuck & Co.*, 556 F.2d 1305, 1309 (5th Cir. 1977); *see also, Salmon v. Corpus Christi Independent School District*, 911 F.2d 1165 (5th Cir. 1990). After reviewing the current record in this case, the court determines that appointment of counsel is premature. The record is insufficient for this court to make a preliminary determination regarding the merits of plaintiff's case. There is also no evidence in the record that plaintiff has independently attempted to secure counsel. The motion for appointment of counsel is denied at this stage of the litigation.

SIGNED on March 14, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge